

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5133 of 2025

Arising Out of PS. Case No.-270 Year-2025 Thana- LAHERIMUHALLA District- Nalanda

Laxman Kumar S/O Bhola Yadav R/O Village- Gyan Gadh Matha, P.S-
Ghoshi, District -Jheanabad

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. [REDACTED] R/O Village-Naisarai, P.S- Bihar, District
-Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

- 3 10-04-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 27.11.2025 passed by learned Additional Sessions Judge-VI-cum Special Judge, SC/ST Court, Nalanda at Biharsharif whereby the prayer for bail of the appellant in connection with Laheri P.S. Case No. 270 of 2025 under Section 70(2) of B.N.S., Section 4 and 6 of the POCSO Act and Sections 3(2) (iv) (v) of SC/ST Act was rejected.

3. The case of the prosecution is that the appellant and one Gaurav have given burger, pizza and ice-cream to the respondent/victim. After this, it is alleged that she was taken in a



toilet of Subhash Park and Gaurav has committed rape with her. After this, the appellant came in the toilet and touched her body inappropriately.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. From perusal of the FIR, it is clear that main thrust of allegation is against co-accused Gaurav Kumar. Only allegation against this appellant is that he has touched the body of the victim inappropriately. Medical board has opined that the age of the victim is 18-19 years. It has also been submitted that similarly situated other co-accused person has already been granted bail by this court vide Cr. Misc. No. 76477 of 2025. The case of this appellant stands on similar footing. Moreover, the appellant is languishing in judicial custody since 13.06.2025 having no criminal antecedent.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration that there is no any specific overt act against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 27.11.2025 is hereby set aside.



7. The appellant is directed to be enlarged on bail in connection with Laheri P.S. Case No. 270 of 2025 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum Special Judge, SC/ST Court, Nalanda at Biharsharif.

(Ashok Kumar Pandey, J)

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